

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**MATTHEW GIBSON,**

**Plaintiff,**

**v.**

**Civil Action No. 5:21-cv-00181  
Honorable Frank W. Volk**

**LOUISE E. GOLDSTON, individually,  
COUNTY COMMISSION OF RALEIGH  
COUNTY, a political subdivision, JEFF  
MCPEAKE, individually, BRIAN WHITE,  
individually, BOBBY STUMP, individually,  
KYLE LUSK, individually,**

**Defendants.**

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANT LOUISE E. GOLDSTON'S  
MOTION FOR SUMMARY JUDGMENT**

COMES NOW this Defendant, Louise E. Goldston, by counsel Jennifer E. Tully, Adam K. Strider, and the law firm of Bailey & Wyant, PLLC, and hereby offers the following Reply Memorandum in support of her previously-filed Motion for Summary Judgment.

In response to the averments and arguments presented in this Defendant's Memorandum of Law in Support of Defendant Louise E. Goldston's Motion for Summary Judgment, the Plaintiff merely incorporated and reasserted the memorandum of law filed in support of his own Motion for Summary Judgment. As this Defendant has already addressed and rebutted those arguments in her Response to Plaintiff's Motion for Summary Judgment, ECF Doc. No. 72, it would be redundant to readdress them herein. Therefore, this Defendant herein incorporates and reasserts all averments and arguments made in her Response to Plaintiff's Motion for Summary Judgment.

**WHEREFORE**, based on the foregoing, as well as the averments and arguments presented in the Memorandum in Support of Defendant Louise E. Goldston's Motion for Summary Judgment, ECF Doc. No. 66, this Defendant respectfully prays this Honorable Court GRANT her Motion for Summary Judgment, and grant her such other relief as the Court deems just and proper.

**LOUISE E. GOLDSTON,**

**By Counsel,**

/s/ Adam K. Strider  
Jennifer E. Tully (WV Bar #9356)  
Adam K. Strider (WV Bar #12483)  
BAILEY & WYANT, PLLC  
500 Virginia Street, East, Suite 600  
Post Office Box 3710  
Charleston, West Virginia 25337-3710  
T: 304.345.4222  
F: 304.343.3133  
[jtully@baileywyant.com](mailto:jtully@baileywyant.com)  
[astrider@baileywyant.com](mailto:astrider@baileywyant.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**MATTHEW GIBSON,**

**Plaintiff,**

**v.**

**Civil Action No. 5:21-cv-00181  
Honorable Frank W. Volk**

**LOUISE E. GOLDSTON, individually,  
COUNTY COMMISSION OF RALEIGH  
COUNTY, a political subdivision, JEFF  
MCPEAKE, individually, BRIAN WHITE,  
individually, BOBBY STUMP,  
individually, KYLE LUSK, individually,**

**Defendants.**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of foregoing “**REPLY MEMORANDUM IN SUPPORT OF DEFENDANT LOUISE E. GOLDSTON’S MOTION FOR SUMMARY JUDGMENT**” was served upon the following parties through the Court’s Electronic Case Filing (ECF) system on this day, April 14, 2022:

Arie M. Spitz  
Kevin A. Nelson  
Jason L. Holliday  
Dinsmore & Shohl, LLP  
P.O. Box 11887  
707 Virginia Street East, Suite 1300  
Charleston, WV 25339-1887  
*Attorney For: Kyle Lusk*

J. Victor Flanagan  
Kevin J. Robinson  
Pullin Fowler Flanagan Brown & Poe, PLLC  
252 George Street  
Beckley, WV 25801  
*Attorney For: Bobby Stump, Brian White, Jeff McPeake*

John H. Bryan  
Law Office of John H. Bryan  
PO Box 366  
Union, WV 24983  
*Attorney For: Matthew Gibson*

**/s/ Adam K. Strider**

**Jennifer E. Tully (WV Bar #9356)**  
**Adam K. Strider (WV Bar #12483)**  
**BAILEY & WYANT, PLLC**  
**500 Virginia Street, East, Suite 600**  
**Post Office Box 3710**  
**Charleston, West Virginia 25337-3710**  
**T: 304.345.4222**  
**F: 304.343.3133**  
**[jtully@baileywyant.com](mailto:jtully@baileywyant.com)**  
**[astrider@baileywyant.com](mailto:astrider@baileywyant.com)**